

## **TUESDAY, APRIL 2, 2013**

The Pender County Board of Commissioners met in regular session on Tuesday, April 2, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioners Jimmy Tate, Chester Ward, and David Williams.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Dr. Mickey Duvall, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

### **CALL TO ORDER**

Chairman Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all.

### **INVOCATION**

Commissioner McCoy offered the Invocation.

### **PLEDGE OF ALLEGIANCE**

Commissioner Williams led the Pledge of Allegiance.

### **PUBLIC HEARING**

#### **1. Public Hearing and Resolution Approving the NC DOT FY 12-13 Secondary Road Construction Program.**

The public hearing opened at 4:03 p.m. and closed at 4:07 p.m. District Engineer Robert Vause made opening remarks and introduced the following DOT personnel: Pender County Maintenance Engineer David Leonard, who replaced Glenn Crews upon his retirement; Division Maintenance Engineer David Thomas; Road Maintenance Supervisor Ray Knowles; and Engineer Technician Don Grady. Mr. Vause presented the FY 12-13 Secondary Road Program which included: The NC Department of Transportation (DOT) is required by General Statute to make an annual study of all state maintained unpaved roads in order to determine the unpaved mileage in each county and the total in the State; each county's allocation is determined by dividing the total allocation by the statewide mileage times the number of miles in each county; secondary road construction allocations are based upon the amount of revenue generated by the gasoline tax; as of June 30, 2012 there were approximately 27.53 miles of unpaved roads remaining in Pender County; this total does not include unpaved roads added to the priority list since the last house count in 2009; this list will be updated in FY 13-14; the N.C. Board of Transportation has elected to continue paving down the same lists used last year; the lists are based on a paving priority rating system having two paving priorities in each county, one for rural roads and one for subdivision roads; the Board now requires a separate listing of roads for each county showing the roads which have previously been skipped over because the right-of-way was not available; and although these roads will not be shown on either of the two paving priority lists, provisions have been made for any such road to be reinstated to its prior position at such time as right-of-way becomes available, or as soon thereafter as reinstatement can be administratively accomplished. Mr. Vause also explained the FY 12-13 Allocations; Roads for Grade, Drain, Base and Pave; and Paved Road Improvement Projects. Board members discussed the Program and asked questions, to which Mr. Vause provided answers. Mr.

Williams said he has known Mr. Vause and Mr. Knowles a long time, DOT has always been easy to work with, and DOT does a great job. Mr. Tate said he echoes Mr. Williams' comments and that DOT has made lots of improvements in his area of the County. Mr. Tate asked if any changes had been made in the General Assembly as to adding unpaved roads and Mr. Vause responded "no." Mr. McCoy said he is getting calls concerning roads that are being built by developers and when the developer leaves town, the roads are no longer maintained. Mr. Williams made a motion to approve the resolution approving the NC DOT FY 12-13 Secondary Road Construction Program, Mr. Tate seconded the motion and it was unanimously approved.

## **PUBLIC INFORMATION**

There were no public information requests.

## **PUBLIC COMMENT**

Mr. Brown asked for names on the sign-up sheet and asked if there are any sign-ups not wishing to speak concerning the Animal Shelter. Mr. Thurman read the names on the sign-in sheet. Mr. Brown explained: We are not going back down that road tonight; we are not going to discuss the Animal Shelter tonight; and the allegations that were previously made are being investigated. Mr. Williams added we are not going to discuss animals tonight at all. Greg Campbell in the audience questioned the Board's authority to not let people speak under public comment. Mr. Thurman said the Board does have the right to not listen to issues that are repetitive. Mr. Campbell said the young man is here that Mr. Ward had questions for at the last meeting and the young man wasn't here. The young man, Ari Garsh, distributed information and spoke. Mr. Garsh explained he started out helping New Hanover County and then he chose to help Pender County. Mr. Garsh said he has now learned that the people at the Pender County Animal Shelter steal the donations that are provided. Board members applauded Mr. Garsh and said they are glad he came in so they can recognize him. Mr. Tate said all Board members are taking what has been alleged seriously, they just have to follow protocol, and it is being investigated. After discussion, Mr. Brown said at the last meeting, they gave everybody a chance to speak and say whatever they wanted to. He said we will now give them two minutes. Mr. Campbell said he visited Brunswick County's Animal Shelter, theirs is running great, they are working with volunteers, one person can't do it all, and they should let the community be involved. Mr. Williams said we made a commitment two weeks ago after listening to all the allegations. Ms. Celenda James said she hates hearing all of this negativity; the lady that runs the Shelter is doing a great job; and she just wanted to say something positive. Mr. Brown said he visited Brunswick County's Shelter also, and they do have a great program.

## **CONSENT AGENDA**

Mr. Brown presented the seven items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Williams made a motion to approve the consent agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

2. Approval of Minutes: Regular and Closed Session of March 18, 2013.
3. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
- 4a. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for FY 2012-2013: Migrant Farm Workers: \$2,248
- 4b. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: Environmental Health: \$3,397.
- 4c. Resolution Authorizing Approval of Purchase Order for Contract Services for Installation of Smoke and Carbon Monoxide Alarms for FY 2012-2013: \$5,760.

- 4d. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: Health Promotion: \$12,480.
5. Resolution Authorizing Transfer of K-9 to Original Trainer/Owner for Rehabilitation.

## **RESOLUTIONS**

6. **Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: Medicaid: \$622,154.38.**

Health Director Carolyn Moser explained: Medicaid Cost Settlement funds are Medicaid revenues not paid for service delivery at the time the actual service was rendered; Health Departments receive a lesser reimbursement rate through the year and the difference "cost settlement" is received at a later date; these funds must be spent in the programs they are generated in and cannot supplant county dollars; the amount varies from year to year; the next cost settlement will be approximately 75% less than this year; the Pender County Health Department received \$622,154.38 in Medicaid Cost Settlement funds; and the Health Department requests these funds be placed in an escrow account for some upcoming improvement projects for the Health Department. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved. Ms. Moser noted she and staff are celebrating Public Health Week this week, she has a great staff, and all are invited to a Public Health Week luncheon on Friday, April 5<sup>th</sup>.

7. **Resolution Authorizing a Master Technology Lease Agreement with Winthrop Resources for Technology Equipment and to Offset Costs by Using Health Department Medicaid Maximization Funds in the Amount of \$300,000 to Upgrade the County's Core Network Infrastructure to the Cisco Unified Computing System (UCS).**

IT Director Erik Harvey explained in 2002, Pender County upgraded its Cisco core network infrastructure and various IT equipment to a new Cisco Systems solution called Cisco Architecture for Voice, Video and Integrated Data (AVVID). This has remained the County's technological framework for ten years. Due to advancements in technology, Cisco is now changing their platform to a Unified Computing System (UCS) Architecture to run our AVVID system on. This system will address many issues, including aging IT equipment "End-of-Life" support. IT teamed up with various County departments and technology companies to address critical upgrade needs to the County's core network infrastructure. They have identified two ways to fund such upgrades: the Health Department has offered to assist by pledging Medicaid Maximization funds in the amount of \$300,000 to offset and cover the lease's first year payment estimated at \$330,200. In addition, the lease agreement will be a multi-year lease agreement estimated at \$1,571,631.13, spread out over a 5-year period. Mr. Harvey thanked Ms. Moser for working with him to use the Medicaid Maximization funds. Mr. Harvey delivered a Power Point presentation entitled "Pender County Cisco Unified Computing System Core Infrastructure Upgrade." The presentation included: Background; What is UCS; Current Challenges; Benefits; Estimated Costs & Funding; Other Local Governments; When; and What Next. Mr. Harvey explained each category in detail. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. McCoy said he appreciates everything Mr. Harvey did for this project, and said we need to keep up-to-date with technology. Mr. Brown asked for verification that it is a five-year cycle, and that at the end of five years, we start all over. Mr. Harvey responded "Yes." Mr. Tate asked how cumbersome it is for Mr. Harvey and his staff handling the equipment. Mr. Harvey said they are being proactive and they provide training for staff. Mr. Tate asked if anyone in the department is Cisco certified and Mr. Harvey responded "No, but the new Network Administrator will be trained on it." He said when they advertised for this position, being Cisco certified was listed as a requirement, but if the person hired wasn't certified, they could obtain certification within one year. Ms. Moser said she

commends Mr. Harvey and his staff for working so closely with the Health Department, and these funds came at a wonderful time, as it can help with their new electronic medical records system. Mr. Ward said he appreciates Mr. Harvey and Ms. Moser working together on this. Dr. Duvall noted as we look at the budget, we will see a lot of computer line items drop off because they will fall under IT. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**8. Resolution by the Pender County Board of Education Pertaining to and Supporting School Safety.**

Schools Superintendent Dr. Terri Cobb explained: The school shooting incident at Sandy Hook Elementary School in Newtown, Connecticut has reinforced the need to keep school safety in the forefront; Pender County Schools maintain student and staff safety as a number one priority for all facilities in the district; Pender County Schools diligently reviews all safety plans and procedures and conducts lockdown drills at each school in the district; Pender County Schools' safety efforts did not just begin with the shooting incident; Schools administration has participated in meetings and will continue such meetings with Emergency Management staff and the Sheriff's office to review all safety plans and procedures; School Resource Officers are not the only safety measures they are trying to address; they are trying to address measures in other ways, such as cameras, buzzers on doors, etc.; they have ongoing measures; they are asking the Board of Commissioners for funding for two additional School Resource Officers; and the request for the additional security personnel is supported by the Pender County Sheriff's Office, the County Manager's office and Emergency Management. Mr. McCoy said he had some conversations with Dr. Cobb, he feels good about what they are doing and you do what you can. Dr. Cobb said one solution is not going to address safety; we must take other measures. She said one of the issues is schools with multiple entrances, such as Penderlea. Mr. Williams discussed Penderlea issues. He said he agrees with what Mr. Ward said at a previous meeting that cameras and buzzers will help, but it will be better if you have someone standing there. Mr. McCoy noted there was a Security Guard at Sandy Hook School. Mr. Tate said he didn't realize there was a Security Guard at the school. Mr. Tate asked what changes the Schools had made. Dr. Cobb responded they added cameras and additional training in their budgets, and they are doing little things, such as cutting back shrubbery around the campuses. She said these changes are going to be something that will be continuous over time. Dr. Cobb noted they had conducted lock down drills two weeks before the Sandy Hook incident. After more discussion, Mr. Williams made a motion to adopt the same resolution as the Board of Education adopted on January 14, 2013, modified to County language. Mr. McCoy seconded the motion and it was unanimously approved. Mr. Brown noted there had been talk about resuming the Priority One meetings between the Schools and Commissioners.

**9. Resolution Approving an Amended and Restated Interlocal Agreement for Allocation of Operating and Maintenance Costs Associated with the U.S. Highway 117 Wastewater Transmission Main Between Pender County and the Town of Burgaw.**

Public Utilities Director Michael Mack explained: In September 2009, Pender County approved an Interlocal Agreement (ILA) for the operation and maintenance cost components of two wastewater pump stations and a wastewater transmission main located along Highway 117 from Burgaw to the Town of Wallace's wastewater treatment facility; and the ILA addressed a cost share arrangement for fixed costs, variable costs, and required each party to reserve capital replacement funding. Mr. Mack said this Amended ILA was requested by the Town of Burgaw and it restates the exact language and terms of the previous agreement with the exception of two changes: First, the Amended ILA no longer requires each party to reserve capital replacement funding; this requirement placed an undue financial burden on each party, especially during economic recession

when reserving funding for Capital Improvement Projects twenty to fifty years into the future is practically impossible; and Second, the original ILA did not include a "Pre-audit" statement as required by the Local Government Budget and Fiscal Control Act. Mr. Brown said the bottom line is, if something has to be fixed and we don't have a fund to pull from, we will have to pay it as we go. Mr. Thurman said it is like putting money aside each year for roofing repairs.

At 5:15 p.m., Mr. Williams made a motion to excuse Mr. Tate. Mr. Ward seconded the motion and it was unanimously approved.

Mr. Mack and Town of Burgaw Manager Chad McEwen explained various sections of the agreement, including Fixed Cost Allocations and Fixed Cost Components. With reference to Fixed Cost Allocations, there was discussion concerning the Town and the County agrees that the fixed costs shall be allocated on the basis of seventy-five percent to the Town and twenty-five percent to the County. Mr. McEwen explained the Fixed Cost Components and discussion and questions ensued concerning the cost of repairing, replacing and rebuilding short-lived assets; and an estimate for fixed costs after twenty years. Mr. Ward asked if the contract has a clause for termination and Mr. Mack responded "thirty days for either party." Mr. Ward asked if there was any other municipality we work with like this and the answer was negative. Mr. McCoy asked if Pender County was using the line now and the answer was negative. It was noted that County buildings within Burgaw town limits pay regular monthly sewer fees. Mr. Ward asked if the County has any control over the line and Mr. Mack responded "no." Mr. Ward asked if the Town decides to provide sewer for others, would it affect the County. Mr. Thurman said the Town has their 1,250,000 gallons of sewer capacity and the County wouldn't have anything to say about that. Mr. Williams said nobody on this Board voted for this when it was first approved, and the vote was 3-2. Mr. Brown said it was approved at his first meeting on the Board, and he was mad about it. He said nevertheless, it was voted on and approved and we need to work with McEwen as best we can. After more discussion and questions, Mr. Williams made a motion to approve the resolution, with the stipulation that the original #4 "Capital Reserve" is put back in, minus the last sentence. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

At 5:30 p.m., Mr. Ward made a motion to excuse Mr. Williams. Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**10. Resolution Authorizing Purchase of Pender County Animal Shelter's Security Cameras & Door Access Control System: \$21,998.**

Mr. Harvey explained Pender County's Animal Shelter is in a remote location and does not have any security systems in place. The proposed system will consist of infrared cameras for the entire perimeter of the site, and this is just an additional building. We will be adding the same type camera system we already have in other County departments. Mr. Ward expressed concerns including what specific area we are talking about monitoring, what type of images will be produced, will there be an alarm system, and cameras will only do something after items are already stolen. Dr. Duvall said there will not be an alarm system and Mr. Ward asked what good will the camera do if there is not an alarm system. Mr. Ward asked how many employees are out there and Dr. Duvall responded "four." After more discussion, Mr. McCoy made a motion to approve the resolution, but it died for lack of a second. Mr. Ward again asked what the purpose is for putting a camera out there and Dr. Duvall responded there was a situation that happened at the Shelter last week. Mr. Harvey discussed the case of someone breaking into the DSS Building and being caught on camera and identified. Mr. Brown asked if there is anything else that could be done to answer Mr. Ward's questions. Mr. Ward said he is "just following the agenda." Mr. Brown said he would just have to

assume Mr. Ward is simply against the security system. Mr. Ward responded if people were taking stuff from the Shelter, the cameras would do no good because the County does not even have an inventory of what is at the Shelter. He added no one is stealing the dogs or cats, we put cameras up for a purpose, and no one is really telling him the purpose.

**11. Resolution Authorizing Use of Emergency Management Performance Grant Funds for the Purchase of a Utility Vehicle (ATV): \$14,664.06.**

Emergency Management Director Tom Collins explained: Emergency Management is requesting authorization to use Performance Grant Funds for the purchase of a Utility Vehicle (ATV) in the amount of \$14,664.06; FEMA provides grant monies for local Emergency Management to use to enhance the local program through the Department of Public Safety, Division of Emergency Management; Pender County receives approximately \$35,000 a year for the County's program; this equipment will be used by any agencies in the county for any emergency that may arise such as a lost person search, or for a planned event; the grant can fund other items; and the equipment will be purchase locally from Nash Equipment company. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 3-0 vote.

## **DISCUSSIONS**

**12. Discussion of Kronos Time and Attendance System Software, Maintenance, Support, and Equipment from Kronos Systems, Inc.**

In response to Board members' questions concerning what this is all about, Dr. Duvall said it is about efficiency, ease of operations and making sure tax dollars are spent wisely. Mr. Harvey delivered a Power Point presentation entitled: "It's About Time...Kronos Timekeeping and Leave Reporting Solutions." The presentation included: Who is Included; What is Included; Why; Timekeeping; Current Challenges; Absence Management; Benefits; Estimated Costs & Options; When; and What Next. Mr. Harvey explained each category in detail. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Thurman said we can get information from Finance and Human Resources on how this will help. Mr. Watson said it would allow us to integrate time sheets with the Munis system we already have in place, and it would help out tremendously in doing the payroll.

## **APPOINTMENTS**

**13. Resolution Establishing a Pender County Animal Shelter Advisory Committee and Approving Appointments to the Committee.**

Mr. Brown introduced the resolution and said he wish all the Commissioners could be here for this item because it is an important issue. Dr. Duvall explained: The Board of Commissioners had indicated it would like an Animal Shelter Advisory Committee to assist with and advise the Board on Animal Shelter issues; the Committee would consist of a Commissioner (Mr. McCoy had previously volunteered), the Health Director, a Veterinarian, a Citizen Animal Rights Advocate, a Citizen At-Large; and it is suggested to stagger the terms: Health Director-Standing; Commissioner-3 Years; Veterinarian-3 Years; Animal Rights Advocate-2 Years; Citizen-At-Large: 2 Years. Mr. Brown, Mr. McCoy nor Mr. Ward had any problem with the composition of the Committee. Mr. Ward made a motion to approve the establishment of a Pender County Animal Shelter Advisory Committee and to make the following appointments to the Committee: Commissioner Fred McCoy to serve a three-year term, with term to expire April 1, 2016; Health Director Carolyn Moser to serve a standing term; and Citizen At-Large Representative Forrest Casha to serve a two-year term, with term to expire April 1, 2015. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote. Mr. McCoy made a motion to make the following appointments to the Committee: Veterinarian Audrey Mizrahi to serve a three-year term, with term to expire April 1,

2016; and Citizen-Animal Rights Advocate Sylvia Hall to serve a two-year term, with term to expire April 1, 2015. Mr. Ward seconded the motion and it was unanimously approved by a 3-0 vote. Mr. Campbell said the Board of Commissioners should give the Advisory Committee information on what the Committee's jurisdiction is.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there are items for closed session pursuant to Items 3, 5, 6 and 7.

#### **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall updated the Board on information concerning a Site Readiness Program Grant for Pender Commerce Park, donated by Duke Energy Carolinas. Dr. Duvall explained: The grant is in the amount of \$20,000; there is a 50% matching requirement; it will cost the County \$11,000, including a \$1,000 entrance fee; and it was recommended by Wilmington Business Development (WBD) that we pursue it. Mr. Brown said all the Commissioners need to be present to hear about this. He said David Williams is on the WBD Board and he may have some recommendations. Dr. Duvall said he will put it on the next agenda as a resolution. Dr. Duvall noted the Board will be holding Budget Work Sessions with fire departments prior to the regular meeting on April 15, from 1:00 through 3:45 p.m., and said he and the Finance Officer had already met with the fire departments so the process should move along fairly quickly. Dr. Duvall said we will then get on into the "meat of the budget" on May 6. Dr. Duvall also reminded the Board about the NCACC District meeting which will be held on Thursday, April 4, beginning at 5:30 p.m., at the Wilmington Convention Center, to discuss Legislative Goals

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Ward commented: He is a member of the Topsail Shoreline Protection Commission; he received an e-mail from Surf City Town Councilman Mike Curley saying the Commission wants the Board to look at the NC 20 Organization; they want to know how the Board feels about NC 20; they want the Board's feedback on NC 20; and NC 20 will probably be asking for Pender County's support. Mr. Brown verified with Mr. Ward that he wasn't speaking of the Highway 17 Association, of which the County is a member. Mr. Brown said NC 20 came to the Board before asking us to join their organization but he doesn't think we ever did. Dr. Duvall said when he first started with the County, he had Tom Thompson of NC 20 come down and give a presentation. There was discussion on whether someone from the Shoreline Protection Commission or NC 20 would come down and talk to the Board. After more discussion, Mr. Brown suggested that before we have anyone come for a presentation, we find out information about them and have it on a future agenda as a discussion item. He said the Manager can familiarize the Board with information such as what their motive is, what they are about, what they do for counties, and who they represent. It was the consensus of the Board to handle it in this manner. Mr. Ward also said a Surf City resident had approached him concerning the Convenience Center located on J.H. Batts Rd. in Surf City which is now open on Monday, Saturday and Sunday. The citizen would like for staff to look into possibly opening on Fridays during the summer months.

#### **CLOSED SESSION**

At 6:35 p.m., Mr. Ward made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved

or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; 6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting; and 7) to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote. The Board went into closed session at 6:45 p.m. The Board exited the closed session at 7:45 p.m. There were no announcements made upon exiting the closed session.

#### **ADJOURNMENT**

There being no further business, Mr. Ward made a motion to adjourn and the meeting adjourned at 7:46 p.m.

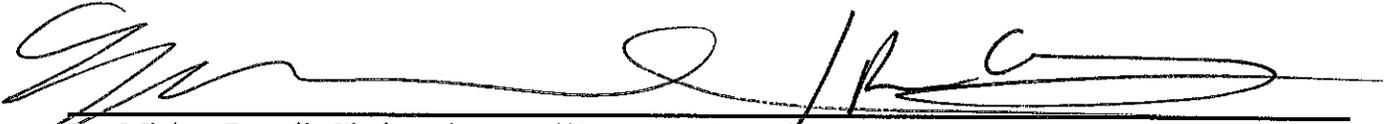
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Dr. Mickey Duvall, Clerk to the Board/Ann Coombs, Administrative Assistant